

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9096 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HASMUKHBHAI MANILAL PATEL

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

MR KS JHAVERI for Respondent No. 2 & 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/97

ORAL JUDGMENT

1. Though this matter has not been placed on today's Board, on the request of learned counsel for the petitioner, papers of the same were called from registry, and the same has been heard today.
2. The petitioner was appointed as Draftsman Civil in the institution, respondent No.3. His services were

terminated under the order dated 27th November 1992, annexure 'D', and hence this Special Civil Application.

3. The petitioner has been protected by this Court by grant of interim relief and he continues in the service. Shri K.S.Jhaveri, learned counsel for respondents No.2 & 3 made a statement before this Court, which is not controverted by learned counsel for the petitioner that the petitioner has now been absorbed as Fitter Draftsman in the institution and as such the termination order impugned in this Special Civil Application does not survive. As the petitioner has been absorbed in the services as Fitter, the learned counsel for the respondents is correct to say that the order of termination of services now no more survives. In view of this fact, this Special Civil Application has become infructuous. In the result, this Special Civil Application is dismissed as having become infructuous. Rule discharged. No order as to costs.

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(sunil)